

Government Administration and Elections Committee Public Hearing
March 4, 2022
Testimony of Alex Knopp and Michele Jacklin on behalf of Common Cause Connecticut
In support of
SB 184 An Act Extending Through November 8, 2022, Several Changes Regarding Election
Administration as a Result of Covid-19 and Concerning Eligibility to Vote by Absentee Ballot
And
HB 5262 An Act revising Certain Absentee Voting Eligibility Statutes

Sen. Flexer, Rep. Fox, Ranking Members Sampson and Mastrofrancesco, and Members of the Government Administration and Elections Committee:

We are members of the State Advisory Board of Common Cause Connecticut, a nonprofit citizens lobby that works for fair elections and open government. Alex Knopp also served as the House Chair of the GAE Committee from 1999 to 2001.

We urge your support to establish covid-free absentee voting procedures in Connecticut, both for the November 2022 state election and for all subsequent state and local elections. Therefore, we support both SB 184, which would extend through Election Day, Nov. 8, 2022, the necessary changes to state voting law, including specifying “illness” as grounds for claiming eligibility to vote by absentee ballot, and HB 5262, which would lay the groundwork for making these changes permanent by replacing the restrictive current statute with language derived from the state constitution’s voting clause.

The impetus for these bills is the two-year-old Covid 19 pandemic during which many state residents have been reluctant to vote in person for fear of contracting the often contagious, sometimes deadly, and always unpredictable, coronavirus and its many variants.

The Covid-safe procedures were enacted by virtue of a declaration of the Covid-related public health emergency through a combination of Gov. Ned Lamont’s Executive Orders and subsequent ratification by the General Assembly. The key change was to reinterpret and expand the qualification of “sickness” in the state Constitution’s absentee voting section. Previously, only a voter’s own illness was applicable, but it was changed to include the “sickness” of a general pandemic such as Covid that could affect the entire voting population.

Today, we would like to emphasize several points in favor of approval. First, since enacting the expired law in 2020, voter turnout has risen beyond what it was even prior to the pandemic . During the 2020 general election, for example, a record 35 percent of all ballots cast were absentee ballots. This contributed to an 80 percent overall voter turnout, an increase of 3 percent over the 2016 general election. That is quite significant.

Unfortunately, the provision extending absentee balloting due to illness was not extended to recent special elections to fill legislative vacancies. The result? A dismal 8.7 percent of registered voters in the 5th House District, covering parts of Hartford and Windsor, showed up at the polls on March 1. That’s worth repeating: a pathetic 8.7 percent of voters turned out for the 5th House District election.

That scenario could be repeated. Unless the Covid-safe absentee ballot authority is reconstituted, voters in upcoming primaries and elections will be faced with the unfair choice of risking exposure to the coronavirus at the polls or staying home and sacrificing their right to vote.

Second, neither of these bills violates the absentee voting provision in our state constitution. The current absentee ballot statute is **more** restrictive than the state constitutional absentee ballot clause. Once the more restrictive statute was changed in 2020, the path was cleared for the Connecticut Supreme Court to hold in an Aug. 6, 2020, ruling from the bench – followed by a unanimous opinion issued on Feb. 22, 2021 – that the new covid-free absentee ballot provisions did not violate the state Constitution.

Third, many opponents are claiming that the virus is “over” and therefore covid-free provisions are no longer needed. This is harmful wishful thinking. A majority of Connecticut residents have still not received their booster shots; most students between ages 5 and 18 are not fully vaccinated; and many schools, retail stores and restaurants are still requiring or encouraging masks. We realize that the number of people who are contracting the coronavirus is declining. While that is heartening news, immunocompromised people and older citizens will need to take precautions for the foreseeable future. Also, there is no guarantee that a new variant “surge” will not suddenly emerge.

So let’s summarize: Covid-safe voting works to encourage voter turn-out. It is constitutional. It is still necessary as a public health precaution. What could possibly outweigh these positive benefits?

The last falsehood cited by the opponents is that excuse-free absentee voting causes massive “fraud.” We urge you to reject this “Big Lie.” In the recent elections in Connecticut and nationally when absentee usage was at its highest, fraudulent conduct was probably at its lowest. Indeed, these new measures may well further reduce the temptation to fraudulently obtain absentee ballots because there will be no need to manufacture a false “illness” or other “excuse” to obtain a valid ballot.

We respectfully urge the GAE Committee to approve these bills to be followed by swift passage by the House and Senate. The governor has already signaled that he stands ready to sign them. You and other state lawmakers should be proud that all three branches of government previously collaborated to protect the right of voters to cast absentee ballots without fear of being infected by the coronavirus. Please act now to ensure that all eligible state voters will be able to safely exercise their franchise in 2022 and beyond.

Thank you.

Alex Knopp, Norwalk
Michele Jacklin, Glastonbury
Advisory Board Members of Common Cause Connecticut